

**NOT INTENDED FOR PUBLICATION**  
**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF GEORGIA**  
**ATLANTA DIVISION**

IN RE:	)	CHAPTER 13
	)	
BELINDA B. ALLEN	)	CASE NO. 04-94386-MHM
	)	
Debtor	)	

**ORDER AND NOTICE FOR DEBTOR TO SHOW CAUSE**

By order entered June 29, 2004, Debtor was directed to appear and show cause why this case should not be dismissed because Debtor is the same person as Glenda Bernadette Allen, whose case (No. 03-99020-MHM) was dismissed June 9, 2004, pursuant to 11 U.S.C. §109(g). At the hearing held June 29, 2004, attorneys for the Chapter 13 Trustee and the U.S. Trustee appeared, but Debtor did not appear. Debtor also did not appear at the §341 meeting of creditors scheduled for July 13, 2004; Debtor has made no payments to the Chapter 13 Trustee; Debtor has filed no schedules or Chapter 13 plan<sup>1</sup>.

The record before the court shows that Debtor has the same social security number as Glenda Bernadette Allen. Additionally, the address Debtor shows on her petition as her residence is the address of a parcel of real property listed on Schedule A of Glenda Bernadette Allen. If

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<sup>1</sup> Bankruptcy Rule 1007 requires a debtor to file schedules of assets and liabilities, a schedule of current income and expenditures, a schedule of executory contracts and unexpired leases, and a statement of financial affairs (the "Schedules"). If those Schedules are not filed with the petition, they must be filed within 15 days thereafter. Bankruptcy Rule 3015 requires a Chapter 13 debtor to file a plan with the petition or within 15 days thereafter. Debtor may obtain an additional 15 days to file the required documents upon motion and for good cause shown, but a motion for an extension of time must be filed before the initial period expires. Debtor has filed no motion for extension of time to file Schedules and plan.

Debtor is the same person as Glenda Bernadette Allen, Debtor is ineligible to file any bankruptcy case within 180 days of the date the prior case was dismissed, which was June 9, 2004. This case was filed June 1, 2004. The intent of the dismissal order entered June 9, 2004, was to prevent the person Glenda Bernadette Allen, by whatever name she might choose to call herself, from being a debtor in this court for a period of 180 days. If the debtor in the instant case is the same person as Glenda Bernadette Allen, then she failed to list all her other names as required.

The evidence of record supports the inference that this case was filed in bad faith in an attempt to manipulate and subvert the bankruptcy process. Therefore, pursuant to 11 U.S.C. §105 and this court's inherent power, *see Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991); *Glatter v. Mroz*, 65 F.3d 1567 (11th Cir. 1995), it would be appropriate to bar this Debtor, under any name she may choose to call herself, from filing any case under Title 11 for a period of no less than one year. If this Debtor is not Glenda Bernadette Allen, she has the burden of proving her identity, which she may do by producing, at the hearing scheduled below, her Social Security card, driver's license, and such other documents as will prove her identity. If she fails to do so, the evidence of record is sufficient to permit this court to infer that Debtor and Glenda Bernadette Allen are the same person and that this case was filed in bad faith. Accordingly, it is hereby

ORDERED a hearing will be held at \_\_\_\_\_.m. on \_\_\_\_\_, 2004, in Courtroom 1204, U.S. Courthouse, 75 Spring Street, Atlanta, Georgia, for Debtor to show cause why this case should not be dismissed and why Debtor, by whatever name, should be barred from filing another case under Title 11 for a period not less than one year. If Debtor fails to appear at this hearing, an order may be entered, without further notice or hearing, dismissing

this case and barring Debtor from filing another petition under Title 11 for a period of one year.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, the Chapter 13 Trustee, the U.S. Trustee and all creditors and parties in interest.

IT IS SO ORDERED, this the \_\_\_\_ day of July, 2004.

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MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE